

**TOWN OF MANSFIELD
PERSONNEL COMMITTEE**

**Monday, March 21, 2011
Beck Municipal Building, Conference Room B & Conference Room C
Minutes**

Members Present: Deputy Mayor Toni Moran (Chair), Peter Kochenburger, Chris Paulhus

Other Council Members Present: Denise Keane, Meredith Lindsay

Staff Present: Matthew Hart, Town Manager, Maria Capriola, Assistant to Town Manager, Dennis O'Brien, Town Attorney

The meeting was called to order at 6:03 p.m.

1. APPROVAL OF MINUTES

The meeting minutes of 3/7/11 were moved as presented by Paulhus, seconded by Moran, and adopted as presented by members present (Kochenburger was absent for vote).

2. ETHICS CODE

Moran announced receipt of communication from Vice Chair Nesselroth of the Ethics Board. The Board has asked the Personnel Committee to send Ethics Code revisions back to the Board for review. Upon the Committee's review, Moran will submit a draft to the Board.

The Committee continued reviewing the draft version of the Code as prepared by the Town Attorney. An overview of the discussion is as follows:

- 25-4, definition of employee should include "other compensation" to encompass the stipends received by volunteer firefighters.
- 25-4, discussion of the definition of gift exclusions and who constitutes a "donor" occurred. Committee decided to leave draft definition as is.
- 25-4, discussion of who constitutes "immediate family" occurred. Consensus is that parents and siblings should be added to the definition regardless of where they reside.
- 25-4, discussion of "public official" occurred. It was agreed that hearing officers for the Town should be included as public officials. The Committee also agreed that members of the Advisory Committee on the Needs of Persons with Disabilities should only be considered public officials (for the purposes of the Code as defined in 25-4) when functioning as the ADA Grievance Committee.

At 7pm, the Committee moved from Conference Room B to Conference Room C and notice was posted. Discussion continued as follows:

- 25-5D, discussion occurred as to whether or not a waiting period should exist (i.e. 2 years) for former Council members and other public officials being appointed as Board of Ethics members (*following* the end of their appointment as a public official). Moran and Kochenburger were against the waiting period, Paulhus was in favor.
- 25-5D(3), discussion occurred as to whether or not it would be appropriate for Ethics Board members to simultaneously serve as members of advisory committees that do not meet the definition of “public officials” as defined in 25-2. Moran and Kochenburger were in favor of people being able to serve simultaneously, Paulhus was against.
- Discussion occurred as to whether or not the personnel rules would or would not be the more appropriate place to address recruitment practices. If this subject matter were to be incorporated into the Code, a section 25-6M could be added.
- 25-5E, by consensus the Committee agreed to change “formally” to “publicly” with the intent being that writing letters to the editors of newspapers is “publicly.”
- 25-7A, by consensus the Committee agreed that “secretary” be added.
- 25-8 needs clarification as to when the Board *must* utilize legal counsel. Examples discussed were: issuance of subpoenas and oaths, conducting hearings; etc. 25-8C should state that legal counsel must be utilized for the investigatory/hearings part of the process and that this is not discretionary (consensus).
- 25-8I, the Committee agreed through consensus for it to read, “No complaint may be made under this Code except within two years of the date of the alleged violation” (consensus).
- The Committee discussed the merits of requiring disclosure statements; Moran and Paulhus were against disclosure statements, Kochenburger was in favor.
- The Committee discussed the “one year cooling off period” concept. Capriola agreed to provide the Committee with some sample language from the Massachusetts statutes for their next meeting.

The meeting adjourned at 8:55 p.m. The Committee will meet again on April 18, 2011 at 6pm.

Respectfully Submitted,
Maria E. Capriola, Assistant to Town Manager